CLAIMS WITHOUT MARKINGS

Amend the claims as follows:

Sub D1 C1

13 (New). An electrode array for use in a cochlear implant to be implanted in a patient having evenly spaced aural receptors disposed adjacent to the inner wall of the scala timpani, with receptors being spaced closer to each other as they approach the center of the cochlear spiral, said electrode array comprising electrodes selectively positioned longitudinally along said electrode array at different spacings along the length of the array, said spacings being selected to match the positions of the electrodes at least approximately with the locations of said aural receptors.

Cancel claims 2 and 3.

Amend claim 4 as follows:

C2

4 (Amended). An electrode array according to claim 13 wherein the spacing between consecutive electrodes is uniformly graduated.

3 of 5 of 4

Insert the following new claim:

C3 Sub D2

14 (Amended). An electrode array for use in a cochlear implant to be implanted in a patient having aural receptors disposed on the inner wall of the cochlea at distances that are gradually smaller along the organ of Corti as the receptors approach the center of the spiral of the cochlea, said electrode array comprising electrodes selectively positioned along said electrode array at different spacings, said spacings

Sub D2 C3 cont

being selected to match the positions of the electrodes at least approximately with the locations of said spaced aural receptors.

7/9/12 R-126 C4

16 ~~15~~

~~18~~ (New). The array of claim 14 wherein said electrodes are adapted to be positioned on implantation against the inner wall of the cochlea to make contact with said aural receptors.

7/9/12 R-126 C5

Insert the following new claim:

15 ~~14~~

~~15~~ (New). An electrode array according to claim 13 wherein said electrodes are adapted to be positioned close to the inner wall.

Amend claim 6 as follows:

Sub D3 C6

6 (Twice Amended). A method of constructing a cochlear electrode array having electrodes for implantation into a cochlea of the patient as part of a cochlear implant system, the patient having aural receptors disposed on the inner wall of the cochlea with aural receptors in one region being spaced apart at a different distance than aural receptors disposed at another region of said cochlea, the method comprising: positioning said electrodes along the length of the electrode array at locations that match the positions of said aural receptors to enable stimulation of the desired site of the cochlea when the electrode array has been inserted, with the spacings between said electrodes being different for the electrodes stimulating the receptors of said one region than the spacing between the electrodes stimulating the receptors of said aural receptors in said another region.

Amend claim 9 as follows:

C7

9 (Amended). A method according to claim 6 wherein the step of positioning the electrodes includes positioning the electrodes such that the spacing between consecutive electrodes is uniformly graduated.

Insert the following new claim:

C8

17 (New). A method according to claim 6 wherein the aural receptors on the inner wall are positioned closer to each other toward as they approach the center of the spiral of the cochlea, and wherein said array includes an apical end and a basal end, said basal end being adapted to be introduced toward said center, further comprising positioning electrodes closer to said basal end with a spacing that is smaller than the spacing for the electrodes further from said basal end.

Cancel claims 10 and 11.